

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA SOUTHERN DIVISION**

EBONY LAWSON,

Plaintiff,

v.

Civil Action No.

2:17-CV-01885-VEH

WAL MART, INC., a Corporation; No. 1, whether singular or plural, that individual or those individuals who were the manager or managers on duty at the Defendant's store and whose negligence and/or wantonness caused the plaintiff injury on the occasion made basis of this suit; No. 2, whether singular or plural, that individual or those individuals who were the manager or managers on duty at the Defendant's store and who had a common law, statutory or contractual duty to provide reasonable supervision to the Defendant's store on the occasion made the bases of this suit; No. 3, whether singular or plural, that entity or those entities who or which were the master or principle of the manager or managers involved in the occurrence made the basis of this lawsuit; No. 4, whether singular or plural, that entity or those entities for whom the manager or managers were performing some type of employment duty at the time of the occurrence made the basis of this lawsuit; No. 5, whether singular or plural, that entity or those entities who or which negligently employed the manager or managers involved in the occurrence made the basis of this lawsuit; No. 6, whether singular or plural, that entity or those entities who or which was responsible for the training of the manager or managers involved in the occurrence made the basis of this lawsuit; No. 7, whether singular or plural, that individual or those individuals who or which had supervisory authority relating to the training, hiring and conduct of manager or managers involved in the occurrence made the basis of this lawsuit; No. 8, whether singular or plural, that entity or those entities who or which issued any policy of insurance which provided coverage for plaintiff's injuries received on the occasion made the basis of this lawsuit; No. 9, whether singular or plural, that entity or those entities who or which provided any insurance coverage for the manager or managers involved in the occurrence made the basis of this lawsuit, for any of the fictitious parties defendant listed or described herein; No. 10, whether singular or plural, that entity or those entities other than those entities described above whose breach of duty contributed to cause the occurrence made the basis of this lawsuit; No. 11, whether singular or plural, that entity or those entities other than those described above which is the successor in interest of any of those entities described above; No. 12, whether singular or plural, that entity or those entities other than those described above which was the predecessor corporation of any of those entities described above. Plaintiff avers that the identities of the fictitious party defendants are otherwise unknown to the plaintiff at this time or if their names are known to the plaintiff at this time, their identities as proper party defendants are not known to plaintiff at this time but their true names will be substituted by amendment when ascertained.

DEFENDANTS.

AMENDMENT TO COMPLAINT

COMES NOW, EBONY LAWSON, in the above styled cause by and through her attorney of record and file this Amendment to Complaint to substitute Wal-Mart Stores East, L.P., as defendant instead of Wal Mart, Inc.; and to add David Roberts, as additional defendant to this case as follows:

1. The Plaintiff hereby adopts and incorporates by reference all material allegations contained in paragraphs 1 through 11 of the Plaintiff's Original Complaint, as well as the style of said Complaint, and this Amendment to Complaint, as if fully set forth herein.

2. The Plaintiff, Ebony Lawson, is over the age of twenty-one (21) years and is now, and have been at all time material to this lawsuit, a resident of Jefferson County in the State of Alabama. The Defendant, Wal-Mart Stores East, L.P., is a corporation, doing business and operating a store(s) Wal-Mart Store No. 1158, in Jefferson County in the State of Alabama. The Defendant, David Roberts, in his individual capacity and in his capacity as the agent and/or Store Manager at Wal-Mart Store No. 1158, is over the age of twenty-one (21) years and upon information and belief, is at all times material to this lawsuit a resident of Jefferson County in the State of Alabama.

3. Plaintiff claims damages of the Defendants, whether named or fictitious, said fictitious Defendants are more clearly described within the style of the said Complaint, said style being incorporated by reference as if fully set out herein, for the actions of the Defendants, both jointly and severally, to wit: on or about the August 28, 2016, the Plaintiff, was at said Wal-Mart Store to purchase some grocery. After shopping for grocery, Plaintiff was walking towards the check-out counter when she slipped and fell on some liquid.

4. At the same time and place, Defendants or its agents had created a hazard in allowing a

puddle of water to remain in the lane of the checkout cashier where the Plaintiff slipped and fell.

5. At the same time and place, upon the said slip and fall, Plaintiff's clothing was wet by the fluid that was on the floor; and the Plaintiff was also wet all about her body. Plaintiff was caused to suffer severe and multiple injuries.

COUNT I

6. The Plaintiff hereby adopts and incorporates by reference all material allegations contained in paragraphs 1 through 11 of the Plaintiff's Original Complaint, as well as the style of said Complaint, and all material allegations contained in paragraphs 1 through 5 of the Amendment to Complaint, as well as the style of said Amendment to Complaint, as if fully set forth herein.

7. On or about the August 28, 2016, Plaintiff, Ebony Lawson, was at said Wal Mart Store to purchase some grocery. After shopping for grocery, Plaintiff was walking towards the check-out counter when she slipped and fell on some liquid. Defendants or their agents had negligently and/or recklessly created a hazard in allowing a puddle of water to remain in the lane of the checkout cashier where the Plaintiff slipped and fell.

8. As a direct and proximate consequence of Defendants' negligent conduct, as described hereinabove, Plaintiff suffered the following injuries and damages:

Plaintiff, Ebony Lawson, was caused to be knocked, shocked, strained, sprained, bruised and contused in and about her body, she was caused to be temporarily or permanently injured, she was caused to seek medical attention to remedy and cure her injuries, she was caused to expend sums of money in treatment of her injuries, and was caused to lose time from gainful employment and lost wages as a result, she was caused to suffer emotional distress and mental anguish due to the negligent, willful or wanton conduct of the named/fictitious defendants, Wal Mart Stores East, L.P., and David Roberts.

WHEREFORE, Plaintiff, Ebony Lawson, claims of these defendants, whether named or fictitious, a sum of money as compensatory damages, and both jointly and severally, in an

amount that a struck jury deems to be reasonable and appropriate under the facts and circumstances as set forth above, plus interest and cost.

COUNT II

9. The Plaintiff hereby adopts and incorporates by reference all material allegations contained in paragraphs 1 through 11 of the Plaintiff's Original Complaint, as well as the style of said Complaint, and all material allegations contained in paragraphs 1 through 8 of the Amendment to Complaint, as well as the style of said Amendment to Complaint, as if fully set forth herein.

10. On or about the August 28, 2016, Plaintiff, Ebony Lawson, was at said Wal Mart Store to purchase some grocery. After shopping for grocery, Plaintiff was walking towards the check-out counter when she slipped and fell on some liquid. Defendants or their agents had wantonly and/or recklessly created a hazard in allowing puddle of water to remain in lane of the checkout cashier where the Plaintiff slipped and fell.

11. As a direct and proximate consequence of Defendants' wantonness conduct, as described hereinabove, Plaintiff suffered the following injuries and damages:

Plaintiff, Ebony Lawson, was caused to be knocked, shocked, strained, sprained, bruised and contused in and about her body, she was caused to be temporarily or permanently injured, she was caused to seek medical attention to remedy and cure her injuries, she was caused to expend sums of money in treatment of her injuries, and was caused to lose time from gainful employment and lost wages as a result, she was caused to suffer emotional distress and mental anguish due to the negligent, willful or wanton conduct of the named/fictitious defendants, Wal Mart Stores East, L.P., and David Roberts.

WHEREFORE, Plaintiff, Ebony Lawson, claims of these defendants, whether named or fictitious, a sum of money as punitive damages, and both jointly and severally, in an amount that a struck jury deems to be reasonable and appropriate under the facts and circumstances as set forth above, plus interest and cost.

COUNT III
FICTITIOUS PARTIES

12. The Plaintiff hereby adopts and incorporates by reference all material allegations contained in paragraphs 1 through 11 of the Plaintiff's Original Complaint, as well as the style of said Complaint, and all material allegations contained in paragraphs 1 through 11 of the Amendment to Complaint, as well as the style of said Amendment to Complaint, as if fully set forth against fictitious parties 1 through 12 herein.

WHEREFORE premises considered, the Plaintiff, Ebony Lawson, claim of these defendants, whether named or fictitious, a sum of money as compensatory or punitive damages, in an amount which a struck jury deems to be reasonable and appropriate under the facts and circumstances as set forth above, plus interest and costs, and any further relief which this Court deems just and proper.

PLAINTIFF HEREBY DEMANDS TRIAL BY STRUCK JURY.

/s/ Ronald D. Jackson
Ronald D. Jackson (JAC-106)
Anthony Ifediba (IFE-001)

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CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of January, 2018, I have served a copy of foregoing on all counsel of record via US postal service to:

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/s/ Ronald D. Jackson
OF COUNSEL

PLEASE SERVE THE DEFFENDANT BY CERTIFIED MAIL:

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